5-109
THOMAS B. HANRAHAN, ESQ. - 017281979
HANRAHAN PACK, LLC
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Attorneys for Defendants the Borough of Midland Park and the Midland Park Police Department

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Plaintiff(s) ESTATE OF SUZANNE BARDZELL vs. ***Defendant(s)*** BOROUGH OF MIDLAND PARK, MIDLAND PARK POLICE DEPARTMENT, ITS OFFICERS, SERVANTS, AGENTS, ASSIGNEES, DELEGATES, AND/OR EMPLOYEES JOHN/JANE DOE(S), MIDLAND PARK OFFICIALS AND/OR POLICE OFFICERS (1-5) (fictitious names intending to designate the Midland Park Borough and Midland Park Police Department employee(s) and/or officer(s) responsible for causing Plaintiff's cause of action and damages/injuries), ABC CORPORATION(S) AND PUBLIC ENTITIES (1-15) (fictitious names intending to designate the entity or entities responsible for causing Plaintiff's cause of action and injuries), ABC CORPORATION OR ENTITIES, DIRECTORS, OFFICERS, SERVANTS, AGENTS, AND/OR EMPLOYEES JOHN/JANE DOE(S) 1-10, ARTHUR LOMANDO, XYZ HOSPITALS (1-10) and JOHN DOES, MD (1-10)	*Civil Action* Docket No. 2:17-cv-01877 (WJM/MF) Honorable William J. Martini, U.S.D.J. **CERTIFICATION OF COUNSEL IN SUPPORT OF JOINT SUBMISSION OF A PROPOSED DISCOVERY CONFIDENTIALITY ORDER, PURSUANT TO L.CIV.R. 5.3(b)(2)**

I, THOMAS B. HANRAHAN, ESQ., of full age and being duly sworn to upon my oath, do hereby certify as follows:

I am an attorney-at-law of the state of New Jersey, have been admitted to the United States District Court for the District of New Jersey since 1999, and I am the owner of law firm of HANRAHAN PACK, LLC, attorneys for Defendants the Midland Park Department and the Borough of Midland Park.

1. I am responsible for handling of the within matter, and I am fully familiar with the facts and circumstances set forth herein.

2. All parties to this litigation have conferred regarding a Discovery Confidentiality Order, and have come to agreement on all provisions. The proposed form of Discovery Confidentiality Order submitted herewith is based upon Appendix "S" of the Federal Rules of Civil Procedure.

3. The proposed agreed-upon form of the Discovery Confidentiality Order is attached hereto as **Exhibit A.**

4. The proposed Discovery Confidentiality Order will protect the confidentiality of private personal information, confidential investigations, and personal medical information. This information includes, but is not limited to: *investigatory files in the possession or control of the Midland Park Police Department; investigatory files in the possession or control of the Bergen County Prosecutor's Office; files in the possession or control of the Bergen County Sheriff's Office; personnel files of specified members of the Midland Park Police Department; confidential internal affairs investigations (if any) from the Midland Park Police Department; confidential information regarding investigations into the incident at issue in this lawsuit; the private financial records of members of the Midland Park Police Department;* and private communications Defendants may have had with third parties, including those contained in electronically-stored devices and in e-mails, that are potentially relevant and likely to be subject to discovery in this action; any and all communications or other documents which may contain or reflect privileged and/or confidential information and private health information. If such information were to be made publicly available, the privacy interests of the named parties and non-party witnesses or investigation would be harmed, and confidential criminal discovery Orders from any criminal action and the Attorney General Guidelines regarding confidential Internal Affairs investigations would be breached. No less restrictive form of relief is available to protect the privacy interests of the parties and non-party witnesses, other than the protection offered in the proposed Discovery Confidentiality Order.

Pursuant to 28 U.S.C. §1746, I hereby declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

HANRAHAN PACK, LLC
Attorneys for Defendants the Borough of Midland Park and the Midland Park Police Department

Thomas B. Hanrahan

By: _____
THOMAS B. HANRAHAN, ESQ.

Dated: February 27, 2018

EXHIBIT A

5-109
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I, THOMAS B. HANRAHAN, ESQ., of full age and being duly sworn to upon my oath, do hereby certify and state as follows:

1. My office address is 80 Grand Avenue, Suite No. 2, River Edge, New Jersey 07661.

2. I am the owner of HANRAHAN PACK, LLC, and the address of this law firm is 80 Grand Avenue, Suite No. 2, River Edge, New Jersey 07661.

3. My present occupation or job description is Attorney.

4. I have carefully read and understood the provisions of the Discovery Confidentiality Order in this case signed by the Court, and I will comply with all provisions of the Discovery Confidentiality Order.

5. I will hold in confidence and not disclose to anyone not qualified under the Discovery Confidentiality Order any Confidential Material or any words, summaries, abstracts, or indices of Confidential Information disclosed to me.

6. I will limit use of Confidential Material disclosed to me solely for purpose of this action.

7. No later than the final conclusion of the case, I will return all Confidential Material and summaries, abstracts, and indices thereof which come into my possession, and documents or things which I have prepared relating thereto, to counsel for the party for whom I was employed or retained.

I declare under penalty of perjury that the foregoing is true and correct.

Thomas B. Hanrahan

Dated: February 27, 2018

THOMAS B. HANRAHAN

EXHIBIT A

5-109
THOMAS B. HANRAHAN, ESQ. - 017281979
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Plaintiff(s) ESTATE OF SUZANNE BARDZELL vs. ***Defendant(s)*** BOROUGH OF MIDLAND PARK, MIDLAND PARK POLICE DEPARTMENT, ITS OFFICERS, SERVANTS, AGENTS, ASSIGNEES, DELEGATES, AND/OR EMPLOYEES JOHN/JANE DOE(S), MIDLAND PARK OFFICIALS AND/OR POLICE OFFICERS (1-5) (fictitious names intending to designate the Midland Park Borough and Midland Park Police Department employee(s) and/or officer(s) responsible for causing Plaintiff's cause of action and damages/injuries), ABC CORPORATION(S) AND PUBLIC ENTITIES (1-15) (fictitious names intending to designate the entity or entities responsible for causing Plaintiff's cause of action and injuries), ABC CORPORATION OR ENTITIES, DIRECTORS, OFFICERS, SERVANTS, AGENTS, AND/OR EMPLOYEES JOHN/JANE DOE(S) 1-10, ARTHUR LOMANDO, XYZ HOSPITALS (1-10) and JOHN DOES, MD (1-10)	*Civil Action* Docket No. 2:17-cv-01877 (WJM/MF) Honorable William J. Martini, U.S.D.J. **AGREEMENT TO BE BOUND BY DISCOVERY CONFIDENTIALITY ORDER**

I, Lawrence H. Kieser, of full age and being duly sworn to upon my oath, do hereby certify and state as follows:

8. My office address is 294 Harrington Avenue, Suite 4 Closter NJ.

9. My present employer is Self and the address of my present employment is See Above

10. My present occupation or job description is Attorney.

11. I have carefully read and understood the provisions of the Discovery Confidentiality Order in this case signed by the Court, and I will comply with all provisions of the Discovery Confidentiality Order.

12. I will hold in confidence and not disclose to anyone not qualified under the Discovery Confidentiality Order any Confidential Material or any words, summaries, abstracts, or indices of Confidential Information disclosed to me.

13. I will limit use of Confidential Material disclosed to me solely for purpose of this action.

14. No later than the final conclusion of the case, I will return all Confidential Material and summaries, abstracts, and indices thereof which come into my possession, and documents or things which I have prepared relating thereto, to counsel for the party for whom I was employed or retained.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 3/29/18

NAME

5-109
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It appearing that discovery in the above-captioned action is likely to involve the disclosure of confidential information, it is hereby **ORDERED** as follows:

1. Any party to this litigation and any third-party shall have the right to designate as "Confidential" and subject to this Order any information, document, or thing, or portion of any document or thing: (a) that contains trade secrets, competitively sensitive technical, marketing, financial, sales or other confidential business information; or (b) that contains private or confidential personal information; or (c) that contains information received in confidence from third parties; or (d) which the producing party otherwise believes in good faith to be entitled to protection under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure and Local Civil Rule 5.3. Any party to this litigation or any third party covered by this Order, who produces or discloses any Confidential material, including without limitation any information, document, thing, interrogatory answer, admission, pleading or testimony, shall mark the same with the foregoing or similar legend: **"CONFIDENTIAL" or "CONFIDENTIAL – SUBJECT TO DISCOVERY CONFIDENTIALITY ORDER"** (hereinafter "Confidential").

2. Any party to this litigation and any third-party shall have the right to designate as "Attorneys' Eyes Only" and subject to this Order any information, document or thing, or portion of any document or thing that contains highly sensitive business or personal information, the disclosure of which is highly likely to cause significant harm to an individual or to the business or competitive position of the designating party. Any party to this litigation or any third party who is covered by this Order who produces or discloses any "Attorneys' Eyes Only" material, including without limitation any information, document, thing, interrogatory answer, admission, pleading or testimony, shall mark the same with the foregoing or similar legend: **"ATTORNEYS' EYES ONLY" or "ATTORNEYS' EYES ONLY – SUBJECT TO DISCOVERY CONFIDENTIALITY ORDER"** (hereinafter "Attorneys' Eyes Only").

3. All Confidential material shall be used by the receiving party solely for purposes of the prosecution or defense of this action; shall not be used by the receiving party for any business, commercial, competitive, personal or other purpose; and shall not be disclosed by the receiving party to anyone other than those individuals as set forth in Paragraph 4, unless and until the restrictions herein are removed either by written agreement of counsel for the parties, or by Order of the Court. It is, however, understood that counsel for a party may give advice and opinions to his or her client solely relating to the above-captioned action based on his or her evaluation of Confidential material, provided that such advice and opinions shall not reveal the content of such Confidential material, except by prior written agreement of counsel for the parties, or by Order of the Court.

4. Confidential material and the contents of Confidential material may be disclosed only to the following individuals under the following conditions:

   a. Outside counsel (herein defined as any attorney at the parties' outside law firms) and relevant in-house counsel for the parties;

   b. Outside experts or consultants retained by outside counsel for purposes of this action, provided they have signed a non-disclosure agreement in the form attached hereto as Exhibit A;

c. Secretarial, paralegal, clerical, duplicating and data processing personnel of the foregoing;

d. The Court and court personnel;

e. Any deponent may be shown or examined on any information, document or thing designated Confidential if: (i) it appears that the witness authored or received a copy of it, was involved in the subject matter described therein or is employed by the party who produced the information, document or thing; (ii) if the producing party consents to such disclosure; or (iii) the deponent executes a non-disclosure agreement in the form attached hereto as Exhibit A prior to receiving such information, document or thing designated Confidential;

f. Vendors retained by or for the parties to assist in preparing for pretrial discovery, trial and/or hearings including, but not limited to, court reporters, litigation support personnel, jury consultants, individuals to prepare demonstrative and audiovisual aids for use in the courtroom or in depositions or mock jury sessions, as well as their staff, stenographic, and clerical employees whose duties and responsibilities require access to such materials; and

g. The parties. In the case of parties that are corporations or other business entities, "party" shall mean executives who are required to participate in decisions with reference to this lawsuit.

5. Confidential material shall be used only by individuals permitted access to it under Paragraph 4. Confidential material, copies thereof, and the information contained therein shall not be disclosed in any manner to any other individual, until and unless: (a) outside counsel for the party asserting confidentiality waives the claim of confidentiality; or (b) the Court orders such disclosure.

6. With respect to any depositions that involve a disclosure of Confidential material of a party to this action, such party shall have until thirty (30) days after receipt of the deposition transcript within which to inform all other parties that portions of the transcript are to be designated Confidential, which period may be extended by agreement of the parties. No such deposition transcript shall be disclosed to any individual other than the individuals described in Paragraph 4(a), (b), (c), (d) and (f) above and the deponent during these thirty (30) days, and no individual attending such a deposition shall disclose the contents of the deposition to any individual other than those described in Paragraph 4(a), (b), (c), (d) and (f) above during said thirty (30) days. Upon being informed that certain portions of a deposition are to be designated as Confidential, all parties shall immediately cause each copy of the transcript in its custody or control to be appropriately marked, and shall limit disclosure of that transcript, in accordance with Paragraphs 3 and 4.

7. Material produced and marked as "Attorneys' Eyes Only" may be disclosed only to outside counsel for the receiving party and to such other persons as counsel for the producing party agrees in advance, or as Ordered by the Court.

8. If counsel for a party receiving documents or information designated as Confidential or "Attorneys' Eyes Only" hereunder objects to such designation of any or all of such items, the following procedure shall apply:

   (a) Counsel for the objecting party shall serve on the designating party or third party a written objection to such designation, which shall describe with particularity the documents or information in question and shall state the grounds for objection. Counsel for the designating party or third party shall respond in writing to such objection within fourteen (14) days, and shall state with particularity the grounds for asserting that the document or information is Confidential or "Attorneys' Eyes Only." If no timely written response is made to the objection, the challenged designation will be deemed to be void. If the designating party or nonparty makes a timely response to such objection asserting the propriety of the designation, counsel shall then confer in good faith in an effort to resolve the dispute.

   (b) If a dispute as to a Confidential or "Attorneys' Eyes Only" designation of a document or item of information cannot be resolved by agreement, the proponent of the designation being challenged shall present the dispute to the Court initially by telephone or letter, in accordance with Local Civil Rule 37.1(a)(1), before filing a formal motion for an order regarding the challenged designation. The document or information that is the subject of the filing shall be treated as originally designated pending resolution of the dispute.

9. All requests to seal documents filed with the Court shall comply with Local Civil Rule 5.3.

10. If the need arises during trial or at any Hearing before the Court for any party to disclose Confidential or "Attorneys' Eyes Only" information, it may do so only after giving notice to the producing party, and as directed by the Court.

11. To the extent consistent with applicable law, the inadvertent or unintentional disclosure of Confidential material that should have been designated as such, regardless of whether the information, document or thing was so designated at the time of disclosure, shall not be deemed a waiver in whole or in part of a party's claim of confidentiality, either as to the specific information, document or thing disclosed or as to any other material or information concerning the same or related subject matter. Such inadvertent or unintentional disclosure may be rectified by notifying in writing counsel for all parties to whom the material was disclosed that the material should have been designated Confidential within a reasonable time after disclosure. Such notice shall constitute a designation of the information, document or thing as Confidential under this Discovery Confidentiality Order.

12. When the inadvertent or mistaken disclosure of any information, document or thing protected by privilege or work-product immunity is discovered by the producing party and is brought to the attention of the receiving party, the receiving party's treatment of such material shall be in accordance with Federal Rule of Civil Procedure 26(b)(5)(B). Such inadvertent or mistaken disclosure of such information, document or thing shall not

by itself constitute a waiver by the producing party of any claims of privilege or work-product immunity. However, nothing herein restricts the right of the receiving party to challenge the producing party's claim of privilege if appropriate within a reasonable time after receiving notice of the inadvertent or mistaken disclosure.

13. No information that is in the public domain or which is already known by the receiving party through proper means or which is or which becomes available to a party from a source other than the party asserting confidentiality, rightfully in possession of such information on a non-confidential basis, shall be deemed or shall be to be Confidential material under this Discovery Confidentiality Order.

14. This Discovery Confidentiality Order shall not deprive any party of its right to object to discovery by any other party or on any otherwise permitted ground. This Discovery Confidentiality Order is being entered without prejudice to the right of any party to move the Court for modification or for relief from any of its terms.

15. This Discovery Confidentiality Order shall survive the termination of this action, and shall remain in full force and effect unless modified by an Order of this Court or by the written stipulation of the parties filed with the Court.

16. Upon final conclusion of this litigation, each party or other individual subject to the terms hereof shall be under an obligation to assemble and to return to the originating source all originals and unmarked copies of documents and things containing Confidential material and to destroy, should such source so request, all copies of Confidential material that contain and/or constitute attorney work product, as well as excerpts, summaries and digests revealing Confidential material; provided, however, that counsel may retain complete copies of all transcripts and pleadings including any exhibits attached thereto for archival purposes, subject to the provisions of this Discovery Confidentiality Order. To the extent that a party requests the return of Confidential material from the Court after the final conclusion of the litigation, including the exhaustion of all appeals therefrom and all related proceedings, the party shall file a motion seeking such relief.

IT IS SO ORDERED.

Dated: _____

_____
HON. WILLIAM J. MARTINI, U.S.D.J.

5-109
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I, JACLYN D'ALESSANDRO, of full age and being duly sworn to upon my oath, do hereby certify and say as follows:

1. I am secretary to Thomas B. Hanrahan, Esq., an attorney-at-law of the state of New Jersey and the United States District Court of the District of New Jersey, and the owner of the law firm of HANRAHAN PACK, LLC.

2. On February 27, 2018 I have caused to be electronically filed the Certification of Counsel in Support of Joint Submission of a Proposed Discovery Confidentiality Order Pursuant to L.Civ.R. 5.3(b)(2) and Proposed Discovery Confidentiality Order with the Clerk of the United States District Court, District of New Jersey.

3. On February 27, 2018 I have also caused to be electronically served a copy of the aforementioned Certification of Counsel in Support of Joint Submission of a Proposed Discovery Confidentiality Order Pursuant to L.Civ.R. 5.3(b)(2) and Proposed Discovery Confidentiality Order upon:

ERIC V. KLEINER, ESQ.
385 Sylvan Avenue, Suite 29
Englewood Cliffs, New Jersey 07632

LAWRENCE H. KLEINER, ESQ.
294 Harrington Avenue, Suite 4
Closter, New Jersey 07624
Attorneys for Plaintiffs

I hereby certify that the foregoing statements made by are true, and I am aware that if any of the foregoing statements made by me are willingly false, I am subject to punishment.

JACLYN D'ALESSANDRO

Dated: February 27, 2018